

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

Case No. 1:18-cr-367-JPH-MJD-02

v.

GARRY SMITH, II

ORDER ON MOTION FOR
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)
(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission,

IT IS ORDERED that the motion is:

☐ DENIED.

☒ DENIED WITHOUT PREJUDICE.

☒ FACTORS CONSIDERED: See attached opinion.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cr-00367-JPH-MJD
)	
GARRY SMITH, II,)	-02
)	
Defendant.)	

Order Denying Motion for Compassionate Release Without Prejudice

Defendant filed a pro se motion that the Court construed as a motion for compassionate release under the First Step Act of 2018. Dkt. 121. The Court appointed counsel to represent Defendant. Dkt. 122. Counsel appeared on Defendant's behalf, dkt. 125, but then withdrew, dkts. 138, 139.

After counsel withdrew, the Court ordered Defendant to supplement his motion for compassionate release with information about whether he had been vaccinated against COVID-19. Dkt. 140. The Court also required him to explain why the COVID-19 pandemic still represented an extraordinary and compelling reason warranting release. Finally, the Court required him to provide any other information or argument that might inform the Court's discretion to grant or deny his motion for compassionate release by that date. *Id.* The deadline for filing the required supplement was August 26, 2021. *Id.* The Court warned Defendant that his motion for compassionate release would be deemed abandoned and denied without prejudice if he did not file a supplement as required. *Id.* The Court mailed its Order to Defendant on July 30, 2021.

As of the writing of this Order, Defendant has not supplemented his motion for compassionate release as required, and the deadline for doing so has passed. Accordingly, the Court considers Defendant's motion for compassionate release abandoned, and the motion, dkt. [121], is **denied without prejudice**. Nothing in this Order, however, prohibits Defendant from filing a new motion for compassionate release.

SO ORDERED.

Date: 10/6/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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